REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 and 19-20 are pending in this case, Claims 1, 5-14, 16, and 20 having been amended, and Claim 18 having been canceled without prejudice or disclaimer by way of the present amendment. No new matter is added.[1]

In the Official Action, Claim 18 was rejected under 35 U.S.C. 112, second paragraph, as indefinite; Claims 1-2, 4, 7, 10, and 15-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida (U.S. Patent No. 6,785,023) in view of Simpson et al. (U.S. Patent Pub. No. 2002/016559, hereinafter "Simpson"); Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida and Simpson and further in view of Hopper et al. (U.S. Patent No. 7,061,391, hereinafter "Hopper"); Claims 8, 9, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida and Simpson and further in view of Haines et al. (U.S. Patent No. 7,043,523, hereinafter "Haines"); Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida and Simpson and further in view of Zerza et al. (U.S. Patent No. 7,149,697, hereinafter "Zerza"); and Claims 3 and 13 were indicated as allowable if rewritten to in independent for including all of the limitations of the base claim and any intervening claims.

As an initial matter, Applicant appreciatively acknowledges the identification of allowable subject matter in Claims 3 and 13.

Regarding the 35 U.S.C. §112, second paragraph rejection, Claim 18 has been canceled without prejudice or disclaimer, making the rejection of this claim moot.

By way of review, amended Claim 1 recites an image processing apparatus management system, comprising:

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[1] Claims 1, 5-14, 16, and 20 are amended to clarify features previously presented and to preclude possible interpretation of a lack of clear antecedent basis. Support for the amendment to Claim 1 is found at least in previous Claim 18, in Figure 8, and in the corresponding description in the specification.

an image processing apparatus communicably linked to a first computer network and having a printing function;

a managing apparatus communicably linked to a second computer network and configured to manage the image processing apparatus;

a firewall configured to control data transmission between the first computer network and the second computer network, the firewall configured to allow reply data sent by the managing apparatus in the second computer network to reach the image processing apparatus in the first computer network, the reply data being in reply to an access to the managing apparatus from the image processing apparatus using at least one of a predetermined protocol having an immediacy; wherein

the image processing apparatus has a determining unit configured to determine whether an aspect of the image processing apparatus is in at least one of a predetermined aspect,

a generating unit configured to generate report data including information concerning the image processing apparatus, when the determining unit determines that the aspect of the image processing apparatus is in the predetermined aspect; and

a transmitting unit configured to transmit the report data to the managing apparatus via the firewall using the at least one of the predetermined protocol having the immediacy, wherein

the managing apparatus, when receiving the report data from the image processing apparatus, is further configured to generate acknowledgement data including reception of the report data, and to transmit the acknowledgement data including reception of the report data to the image processing apparatus via the firewall.

The claimed image processing apparatus management system allows an image processing apparatus to initiate communication with a controlling apparatus by sending information about the image processing apparatus itself, for example. Thus, an advantage of the system is when there is an event triggered by the aspect change of the image processing apparatus, such as occurrence of an abnormal condition, the system is able to react instantaneously, without the use of email or a telephone, even in the environment where the controlling apparatus cannot initiate access to the image processing apparatus due to the presence of a firewall.

Turning to the applied art, Iida is directed to a network facsimile apparatus which transmits and receives facsimile data and e-mail data by connecting to a PSTN and a network such as the internet or LAN. Indeed, Iida describes that a facsimile apparatus communicates with a client apparatus. According to Iida, an HTML file is generated when there is a change

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in status of the facsimile apparatus. However, in Iida, the client side must always initiate the communication. Specifically, in Iida, when the facsimile apparatus sends data to the client apparatus, the client apparatus must necessarily have previously requested the data to have been sent (See Fig. 5 of Iida). That is to say, the facsimile apparatus cannot send the information about itself to the client apparatus without receiving a data request from the client apparatus.

Applicants respectfully submit that Iida is silent regarding the facsimile apparatus voluntarily initiating the communication without receiving a data request from the client apparatus. Thus, Iida does not disclose or suggest "a firewall configured to control data transmission between the first computer network and the second computer network, the firewall configured to allow reply data sent by the managing apparatus in the second computer network to reach the image processing apparatus in the first computer network, the reply data being in reply to an access to the managing apparatus from the image processing apparatus using at least one of a predetermined protocol having an immediacy," "a generating unit configured to generate report data including information concerning the image processing apparatus, when the determining unit determines that the aspect of the image processing apparatus is in the predetermined aspect," **and** "a transmitting unit configured to transmit the report data to the managing apparatus via the firewall using the at least one of the predetermined protocol having the immediacy," and Simpson does not cure this deficiency.

Moreover, regarding Simpson, M.P.E.P. § 2141.02, quoting case law, states that a prior art reference must be considered for its entirety, i.e., as a whole, including portions that lead away from the claimed invention.

The Court in In re Gurley, 31 USPQ2d 1130 (Fed. Cir. 1994) stated that:

> A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. The degree of teaching away will of

course depend on the particular facts; in general, a reference will teach away if it suggests that <u>the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant</u>. [Emphasis added.]

Applicants submit that the firewall described in <u>Simpson</u> ***inhibits*** access from the external devices to the PC, as described in paragraph [0072]. Hence, a printer in <u>Simpson</u> cannot voluntarily access the PC. Accordingly, the firewall describes in <u>Simpson</u> *teaches away* from the use of a firewall configured to control data transmission between the first computer network and the second computer network, the firewall configured to allow reply data sent by the managing apparatus in the second computer network to reach the image processing apparatus in the first computer network, the reply data being in reply to an access to the managing apparatus from the image processing apparatus using at least one of a predetermined protocol having an immediacy, as recited in Claim 1.
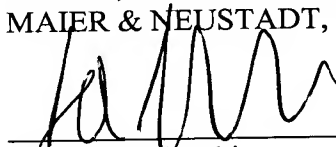
Hence, for at least the reasons above, <u>Iida</u> and <u>Simpson</u> do not teach or suggest, either separately or in combination, this feature as defined in independent Claim 1. Accordingly, Claim 1 (and the claims dependent therefrom) patentably defines over the applied references.

Independent Claims 7 and 16, while differing in scope and statutory class from Claim 1, patentably defines over <u>Iida</u> and <u>Simpson</u> for substantially the same reasons as Claim 1. Accordingly, it is respectfully submitted that <u>Iida</u> and <u>Simpson</u> do not anticipate or render obvious the features of amended Claims 7 and 16. Therefore, independent Claims 7 and 16 (and the claims dependent therefrom) are believed to patentably define over the applied reference.

Consequently, in view of the present amendment and in light of the above

discussions, the outstanding grounds for rejection are believed to have been overcome. The

application as amended herewith is believed to be in condition for formal allowance. An

early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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